

DEPARTMENT OF REGIONAL PLANNING

Memorandum

October 1, 2009

TO: DRP Staff

FROM: Jon Sanabria
Acting Director of Planning

SUBJECT: TITLE 21 SUBDIVISION ORDINANCE INTERPRETATIONS No. 2009-03

The purpose of this interpretation memo is to provide clarification to staff and customers on the exemption of certain apartment projects from lease project subdivision requirements that are referenced in Sections 21.08.080, 21.08.090 and 21.08.170 of the County Subdivision Ordinance.

The County's Subdivision Ordinance, Title 21 should not be applied to require a lease project subdivision map for the construction of multiple apartment buildings on a single lot with more than twice the required area where the separate apartment buildings will be developed, owned, and retained by the same owner or entity, and the only leases within the project are leases of individual units within the separate apartment buildings.

With respect to commercial and industrial projects, staff shall apply the exemptions cited in the Gov. Code § 66412 including: "This division shall be inapplicable to: (a) The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks or trailer parks."

Based on this interpretation, and in consultation with our County Counsel, it is this Department's position that Title 21 should not be applied to the construction of multiple apartment buildings on a single lot, developed, owned, and retained by the same owner or entity, where the only leases involved in the project are the leases of units within the separate buildings, and none of the separate apartment buildings will be leased. To ensure Map Act compliance and that all buildings and the underlying land are held under the same owner or entity, and not leased separately, the buildings and underlying land are required to be held as one entity under covenant and agreement unless released by the authority of the Planning Director.

JS:JG:jc

Attachment



RECORDING REQUESTED BY:

Department of Regional Planning
320 West Temple Street
Room 1360, Hall of Records
Los Angeles, California 90012

WHEN RECORDED MAIL TO:

Name:

Street:

City:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT IN LIEU OF A LEASE ONLY MAP

The undersigned hereby certify that we are the owners of real property located in the County of Los Angeles, State of California that is legally described as follows:

(See Attached Exhibit A)

As recorded in Book _____ Page _____ Records of Los Angeles County. The property is located at and is known by the following address: _____.
Assessor Parcel Number(s): _____

We hereby agree and covenant with the County of Los Angeles that the above legally described real property shall be held as one parcel with all multi-family residential buildings developed, owned and retained by the same owner or entity, and no portion shall be sold or leased separately except the individual leases of units within the buildings.

This covenant and agreement is executed for the purpose of (project description) regulated by Title 22 (Zoning Ordinance) of the Los Angeles County Code.

This covenant and agreement shall run with all the above described land and shall be binding upon ourselves, future owner's, encumbrancers, their successors, heirs or assignees and shall continue in effect until released by the authority of the Director of Planning of the County of Los Angeles upon submittal of request, applicable fees and evidence that the Covenant and Agreement is no longer required by law.

Project No.: _____ Permit No.: _____

Executed this _____ day of _____, 20__ at _____, California, under penalty of perjury of the laws of the State of California.

OWNER(S) NAME:

SIGNED: _____

SIGNED: _____

PRINT NAME: _____

PRINT NAME: _____

(Notary to be Attached)